

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

**STUDENTS FOR FAIR ADMISSIONS,
INC.,**

Plaintiff,

v.

**UNIVERSITY OF NORTH CAROLINA et
al.,**

Defendants.

**PLAINTIFF'S BRIEF IN SUPPORT OF
MOTION TO FILE UNDER SEAL**

Pursuant to Federal Rule of Civil Procedure 5.2 and Local Rule 5.4, Plaintiff Students for Fair Admissions, Inc. ("SFFA") respectfully files this brief in support of UNC's motion to file certain materials under seal.

NATURE OF THIS MATTER

On October 25, 2017, UNC filed a motion to dismiss the complaint pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure (ECF 106), and an accompanying memorandum (ECF 107). In that motion, UNC challenges SFFA's associational standing. UNC filed a motion to seal (ECF 108) in connection with that motion in order to protect the confidentiality of two items it redacted in its motion and related filings: (1) the identity of Standing Member

#1; and (2) SFFA's response to UNC's Interrogatory No. 5, which requests that SFFA "[i]dentify the name of any Person or entity that has made or provided any form of contribution or donation, whether in the form of cash, property, or other form, to SFFA since its inception." On November 8, 2017, pursuant to Federal Rule of Civil Procedure 5.2 and Local Rule 5.4, SFFA filed a brief in support of that motion to seal (ECF 110). In that brief, SFFA argued why the Court should permanently seal the unredacted versions of the filings containing the identity of Standing Member #1 and/or SFFA's Response to Interrogatory No. 5 (ECF 110).

In its brief in opposition to UNC's motion to dismiss (ECF 113), SFFA made reference to its standing members and its Response to Interrogatory No. 5. In order to maintain confidentiality consistent with UNC's motion to dismiss, SFFA has redacted all references to the identity of its standing members (including the names of the high schools they attended) as well as its Response to Interrogatory No. 5 and sought permanent sealing of the unredacted versions of the filings containing those items. SFFA filed a motion to seal (ECF 111) and an accompanying memorandum (ECF 112) in connection therewith. Because that motion to seal requested essentially the same relief as sought in SFFA's brief in support of UNC's motion to seal, SFFA relied upon and expressly

incorporated into its motion to seal the brief it filed in support of UNC's motion to seal (ECF 110).

On November 29, 2017, UNC filed a reply brief in support of its motion to dismiss (ECF 115). In that reply brief, UNC makes reference to SFFA's standing members and included as exhibits thereto certain discovery responses that contain personal information concerning SFFA's standing members and confidential donor information. UNC made limited redactions to its brief and filed the relevant exhibits under seal in order to protect the identities of SFFA's standing members. UNC filed a motion to seal in connection therewith (ECF 116).

UNC attached as Exhibits 2-5 to its reply brief excerpts of Plaintiff's Fourth Amended Objections and Responses to Defendant's First Combined Discovery Requests (Exhibit 2) and three of Plaintiff's Supplemental Responses to Interrogatories 4 and 6 (Exhibits 3-5). Exhibit 2 is an updated Response to Interrogatory No. 5 containing the same type of donor information in Exhibit 6 to UNC's memorandum supporting its motion to dismiss (ECF 107) and Exhibit I to SFFA's opposition (ECF 113). Exhibits 3-5 identify Plaintiff's Standing Members. UNC filed these exhibits under seal in order to protect confidential donor information and the confidentiality and identity of Plaintiff's Standing Members.

ARGUMENT

SFFA seeks here essentially the same relief as sought in SFFA's brief in support of UNC's previous motion to seal (ECF 110). Accordingly, SFFA relies upon and expressly incorporates herein its brief in support of UNC's motion to seal (ECF 110).

CONCLUSION

For the reasons stated herein and in SFFA's brief in support of UNC's motion to seal (expressly incorporated herein), SFFA respectfully requests that the Court grant UNC's motion to file under seal in connection with UNC's reply brief.

Respectfully submitted,

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Dated: December 13, 2017

WORD COUNT CERTIFICATION

I hereby certify that, as reported by word processing software, the foregoing Brief (omitting the case caption, table of contents, table of authorities, and any certificates of counsel) complies with applicable word/page limitations in L.R. 7.3(d).

/s/ Alan M. Ruley _____

ALAN M. RULEY
N.C. State Bar No. 16407

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing pleading via the Court's electronic filing system, pursuant to the Electronic Filing Procedures, on all attorneys of record who have entered an appearance by ECF in this matter.

This the 15th day of December, 2017.

/s/ Alan M. Ruley

Alan M. Ruley